



7-21-00  
GRAYCARY TECHNOLOGY'S LEGAL EDGE<sup>SM</sup>

A  
4365 Executive Drive, Suite 1600  
San Diego, CA 92121-2189  
www.graycary.com  
OJ 858-677-1456  
FJ 858-677-1455



July 19, 2000

Attorney Docket No.: DIVER1120-3

Parent Serial No. 09/407,806

Parent Filing Date: September 28, 1999

Box PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Presented for filing is a new divisional patent application of:

Applicant: DENNIS MURPHY and JOHN REID

Title: ALPHA-GALACTOSIDASE

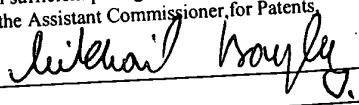
The prior application is assigned of record to Recombinant Biocatalysis, Inc. by virtue of an assignment submitted to the Patent and Trademark Office recorded on March 8, 1996 at 7949/0419. (A certified copy of the name change from "Recombinant Biocatalysis, Inc." to "Diversa Corporation" is attached hereto.)

Enclosed are the following papers, including all those required to receive a filing date under 37 CFR § 1.53(b):

	<u>Pages</u>
Specification	25
Claim(s)	2
Abstract	1
Declaration (unsigned)	3
Revocation and New Power of Attorney (unsigned)	3
Drawing(s)	3

"EXPRESS MAIL" Mailing Label Number EL476991301US  
Date of Deposit July 19, 2000

I hereby certify under 37 CFR 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

  
Mikhail Bayley

Gray Cary Ware & Freidenrich LLP

Docket No. DIVER1120-3  
Box Patent Application  
July 19, 2000  
Page Two

Enclosures:

- Copy of Declaration (filed in the parent application, 1 page);
- Copy of Certificate of Amendment by the State of Delaware, Office of the Secretary of State, changing "Recombinant Biocatalysis, Inc." to "Diversa Corporation" (2 pages);
- Copy of Revocation and New Power of Attorney (filed in the parent application, 2 pages);
- New disclosure information, including:
  - Information disclosure statement, 2 pages
  - International Search Report (filed in the parent, 4 pages)
  - PTO Form-892 (filed in the parent, 1 page)
  - PTO-1449 (filed in the parent application, 1 page);
- Permission to Use Sequence Listing, 2 pages
  - Sequence Listing (filed in the parent application, 5 pages);
- Postcard.

This application is a divisional and claims the benefit of priority under 35 USC § 120 of U.S. application Serial No. 09/407,806, filed September 28, 1999 (pending); which is a divisional of U.S. application Serial No. 08/613,220 filed March 8, 1996 (issued on September 28, 1999 as U.S. Patent No. 5,958,751). The disclosure of the prior applications is considered part of and is incorporated by reference in the disclosure of this application.

Preliminarily, on page 1 of the specification, before line 1, insert: -- This application is a divisional and claims the benefit of priority under 35 USC § 120 of U.S. application Serial No. 09/407,806, filed September 28, 1999 (pending); which is a divisional of U.S. application Serial No. 08/613,220 filed March 8, 1996 (issued on September 28, 1999 as U.S. Patent No. 5,958,751). The disclosure of the prior applications is considered part of and is incorporated by reference in the disclosure of this application.--

This application is entitled to small entity status. Small entity status established in a previous application is still proper.

0067470-2 RECD/PED

Gray Cary Ware & Freidenrich LLP

Docket No. DIVER1120-3

Box Patent Application

July 19, 2000

Page Three

Basic filing fee	\$ 345.00
Total claims in excess of 20 (0 times \$9.00)	\$ 0.00
Independent claims in excess of 3 (0 times \$39.00)	\$ 0.00
Multiple dependent claims	\$
Total filing fee:	\$ 345.00

The payment of the filing fee is to be deferred until the Declaration is filed. Do not charge our deposit account. Please charge Deposit Account No. 50-1355 for any fees OTHER THAN the filing fee.

If this application is found to be INCOMPLETE, or if a telephone conference would otherwise be helpful, please call the undersigned at (858) 677-1456.

Kindly acknowledge receipt of this application by returning the enclosed postcard.

Please send all correspondence to:

Lisa A. Haile, Ph.D.  
Gray Cary Ware & Freidenrich LLP  
4365 Executive Drive, Suite 1600  
San Diego, CA 92121-2189  
Telephone: 858-677-1456  
Facsimile: 858-677-1465

Very truly yours,

GRAY CARY WARE & FREIDENRICH LLP



Lisa A. Haile, Ph.D.  
Reg. No. 38,347  
Telephone: 858-677-1456  
Facsimile: 858-677-1465

DRAFT - 2000-07-19

PATENT  
ATTORNEY DOCKET NO. DIVER1120-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Murphy and Reid  
Parent Serial No. 09/407,806  
Parent Filing Date September 28, 1999  
Serial No.:  
Filed: July 19, 2000  
Title: ALPHA-GALACTOSIDASE

Art Unit: Unassigned  
Examiner: Unassigned

**Box Patent Application**  
Assistant Commissioner for Patents  
Washington, D.C. 20231

"EXPRESS MAIL" Mailing Label Number: **EL476991301US**  
**Deposit July 19, 2000**  
I hereby certify under 37 CFR 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

MIKHAIL BAYLEY

*Mikhail Bayley*

**PERMISSION TO USE SEQUENCE LISTING**

Sir:

The above-identified patent application lacks a substitute paper copy of the Sequence Listing for inclusion into the Specification, as well as a computer readable form of the Sequence Listing. Applicants respectfully direct the attention of the Office to the following:

1. A complete paper copy of the Sequence Listing is to be inserted following the Abstract on page 27 and before the Drawings. Please insert the Sequence Listing beginning with page 1 and numbering consecutively thereafter. A paper copy of the Sequence Listing is included herewith, and is identical to the computer readable copy of the Sequence Listing filed in U.S. Patent Application Number 09/407,806 (the "806 application"), filed September 28, 1999.

2. A computer-readable form in this application is identical with that filed in '806 application, filed September 28, 1999. Pursuant to 37 CFR §1.821(e), please use the last-filed computer-readable form filed in the '806 application as the computer-readable form for application filed herewith. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for application filed herewith.

I hereby state, as required by 37 C.F.R. § 1.821(g), that the enclosed submission includes no new matter. Applicants submit that the foregoing satisfies the requirements of Rule §1.821. If there are any questions regarding this response, the Office is invited to contact the undersigned.

No fee is deemed necessary in connection with the filing of this paper. However, if any fee is required, the Commissioner is hereby authorized to charge the amount of this fee, or credit any overpayments, to Deposit Account No. 50-1355.

Respectfully submitted,

Date: 7/19/00



Lisa A. Haile, Ph.D.  
Registration No. 38,347  
Telephone: (858) 677-1456  
Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1600  
San Diego, California 92121-2189